

**A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

*03-R-1334*

**AS SUBSTITUTED**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE  
CASE OF DOROTHY LEWIS v. CITY OF ATLANTA CIVIL ACTION FILE  
NO. 1999 CV 16115, IN THE SUPERIOR COURT OF FULTON COUNTY,  
GEORGIA IN THE AMOUNT OF \$565,000; AND FOR OTHER PURPOSES.**

WHEREAS, Dorothy Lewis was and is the owner of a certain parcel of property in Atlanta, Georgia bearing the address of 461 Mitchell Street; and

WHEREAS, prior to November 17, 1997, there were certain real property improvements on the property including a structure with exterior measurements of approximately 49 feet by 65 feet; and

WHEREAS, on November 17, 1997, the City demolished the structure; and

WHEREAS, the demolition was televised by at least one local station and reported in at least one newspaper and the demolition was presided over by then Mayor Bill Campbell along with several City officials and Community leaders; and

WHEREAS, it was alleged that the demolition was part of Mayor Campbell's re-election campaign publicity; and

WHEREAS, prior to the demolition, Mrs. Lewis did not receive notice that the demolition would take place; and

WHEREAS, the demolition resulted in the complete destruction of the real property improvements on the property; and

WHEREAS, on November 16, 1999, Dorothy Lewis filed Civil Action Number 1999cv16115 wherein she alleged the following causes of action:

- a) Inverse condemnation
- b) Constitutional violations of taking and due process

**WHEREAS**, a jury returned a verdict in the subject case in favor of Mrs. Lewis declaring 1) the City's lien and debt for the demolition invalid, 2) damages for the demolition of the structure and lost profits, and 3) pre and post judgment interest and expenses of litigation; and

**WHEREAS**, it appears in the opinion of the City Attorney that any further appeal of the verdict will be futile; and

**WHEREAS**, on August 13, 2003, counsel for Mrs. Lewis and the City have agreed, subject to approval of this Council, to settle the case for \$565,000.00; and

**WHEREAS**, in the opinion of the City Attorney, the proposed settlement is in the best interest of the City.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:**

**Section 1:** THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the case of Dorothy Lewis v. City of Atlanta, Civil Action File No. 1999CV16115, in the Superior Court of Fulton County Georgia by entering into an agreement with Mrs. Lewis and her Counsel, under the terms of which the City will: immediately withdraw its last notice of appeal filed on May 15, 2002 and the Judgment in this case will become a final judgment; and pay to Mrs. Lewis the amount of \$565,000.00.

**Section 2:** THAT the Settlement Agreement shall provide that in exchange for the payments made above, Mrs. Dorothy Lewis will release the City and its employees and officers, from any claims which were, or which could have been, raised in her complaint in the court action, whether originally, by amendment, or by supplementation, as to facts occurring up to and including the date of the execution of the Settlement Agreement, or from any claims which could have been raised by Mrs. Dorothy Lewis, her heirs or assigns.

**Section 3:** THAT the Settlement Agreement shall further provide that all parties to the action release each other from all claims which were, or which could have been, raised in his complaint in the court action, whether originally, by amendment, or by supplementation, as to facts occurring up to and including the date of the execution of the Settlement Agreement, and from any and all claims which could have been raised prior to the execution of the Settlement Agreement or subsequent to the execution of the Settlement Agreement by any of parties against any other of the parties, whether on theories of contribution or indemnity or otherwise, with the exception of one defendant in default as provided below.

**Section 4:** THAT the City Attorney is authorized to approve as to form and to execute the Settlement Agreement on behalf of the City of Atlanta.

**Section 5:** THAT the Chief Financial Officer is further authorized and directed on behalf of the City of Atlanta to issue a check on the voucher of the City Attorney in the

sum of \$565,000.00 payable as the City Attorney directs in conformity with the Settlement Agreement, and to charge such sum to Account No. 1A01-529017-T31001.

Lewis Settlement Resolution 8/18/2003-Draft 1